

REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 1-27 are in this case. Claims 1-8 and 12-17 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12-15 of US6,377,824. Claims 1-17 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Ingbir et al. (US6,377,834).

Claims 1-17 are hereby canceled without prejudice and are replaced by new claims 18-27.

Rejections under “Doctrine of Double Patenting” and § 102(e)

The Examiner has rejected claims 1-8 and 12-17 under the doctrine of obviousness-type double patenting. The Examiner has also rejected claims 1-17 under §102(e). The Examiner's rejections are respectfully traversed.

While continuing to traverse the Examiner's rejections, and without in any way prejudicing the patentability of the rejected claims, the Applicant has, in order to expedite the prosecution, chosen to amend the claims. The Applicant has chosen to cancel claims 1-17 and submit substitute claims 18-27.

By way of introduction, the Applicant wishes to point out that Ingbir et al. (US6,377,834) discloses a radiation-free cellular telephone systems with the use of acoustical tubes as a transmission element whereas the present application discloses the use ultrasonic acoustic waves propagating in open air without the transmission

element. The advantages of using ultrasonic acoustic waves in open air rather than acoustical tubes are clearly pointed out as follows, (page 6, paragraph 3, lines 15-21:

...signals may be transmitted through open air by ultrasonic or subsonic waves. The transmission of signals through open air make users free to move head and hands with no need to continuously pay attention not to pull the wire.

Another advantage of the present invention is that is can be used for the transmission of signals near sources of strong magnetic fields...

Despite these advantages, one skilled in the art would not consider it obvious to use open-air transmission because of a number of technical difficulties, particularly overcoming the high attenuation and dissipation of transmitted ultrasound signals in open air.

Further support for new claims 18-27 is found in the specification as follows:

- Claims 18-21 and Claims 25-27 are supported by Figure 6 and the description of paragraph 3 of page 10, lines 16-24.

- Claim 22 is supported by Figure 7 and the description of paragraph 4 of page 10, lines 25-34.

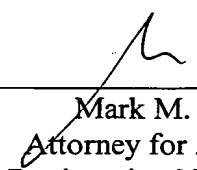
- Claim 23 is supported by Figure 13 and the description of paragraph 5 of page 12, lines 27-30.

- Claim 24 is supported by Figure 14 and the description of paragraph 6 of page 12, lines 31-34.

The Applicant respectfully submits that claims 18-27 are patentably distinct from all claims of Ingbir et al. (US6,377,834) rendering moot the Examiner's rejection under "double patenting". Furthermore, the Applicant respectfully submits that claims 18-27 are novel over Ingbir et al. (US6,377,834) and unobvious for the reasons stated above.

In view of the above amendments and remarks it is respectfully submitted that claims 18-27 are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



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